

Appl. No. 10/683,764
Amndt. dated Sep. 9, 2005
Reply to Office action of Mar. 9, 2005

REMARKS/ARGUMENTS

Claims 1-23 remain in the application. Claims 27-36 have been added. Applicant respectfully requests a two month extension of time to respond to the Office action of March 9, 2005 until September 9, 2005. Applicant encloses a completed credit card authorization form in the amount of \$510 for the three month extension. Applicant respectfully submits that no additional fees are due at this time. In view of the following remarks and amendments, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Support for the amendments and new claims can be found throughout the application. Applicant respectfully submits that no new matter is added by the amendments.

Objections to the Specification

The examiner objected to the designation of trademarks in the Specification and the wording of the Abstract. Applicant respectfully submits that the amendments to the Specification and Abstract overcome the examiner's objections. Reconsideration and withdrawal of the objections is requested.

Objections to the Claims

The examiner objected to claim 10 and the numbering of claims 19, 19-22. Applicant respectfully submits that the amendments to claim 10 and the renumbering of claims 19, 19-22 to 19-23 overcome the examiner's objections. Reconsideration and withdrawal of the objections is requested.

Rejections under 35 U.S.C. § 112

The examiner rejected claims 8, 12, 21 and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant respectfully submits that claims 8, 12, 21 and 23, as amended, are patentable under 35 U.S.C. § 112. Accordingly, applicant respectfully request that the rejection of claims 8, 12, 21 and 23, as amended, be withdrawn.

Rejections under 35 U.S.C. § 102

The examiner rejected claims 1-6 and 9-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,153,267 (hereinafter referred to as "Horinka") and claims 21-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,686,108 (hereinafter referred to as "Nason"). For anticipation, a single reference must identically disclose every element of the claimed invention. *Corning Glass Works v. Sumitomo*

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Electric, 9 USPQ 2d 1962, 1965 (Fed. Cir. 1989). A reference that excludes a claimed element, no matter how insubstantial or obvious, is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Applicant respectfully submits that claims 1-6, 9-11 and 21-22, as amended, are not anticipated by the cited art and are, therefore, allowable under 35 U.S.C. § 102(b) for the reasons stated below.

Claim 1

Applicant respectfully submits that the cited references do not disclose implanting the lignocellulosic substrate with a cocalkylamine that increases the conductivity of the lignocellulosic substrate without covalently bonding to the lignocellulosic substrate or chemically reacting with the lignocellulosic substrate. As a result, the cited references do not "identically disclose" the method recited in claim 1, as amended. Accordingly, applicant respectfully submits that claim 1, as amended, is not anticipated by the cited references and is, therefore, allowable under 35 U.S.C. § 102(b).

Claims 2-6 and 9-11

Applicant respectfully submits that claims 2-6 and 9-11 depend from claim 1, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-6 and 9-11 are, therefore, allowable under 35 U.S.C. § 102(b). Accordingly, applicant respectfully requests that the rejection of claims 2-6 and 9-11 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

The examiner rejected claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Horinka in view of U.S. Patent No. 6,548,109 (hereinafter referred to as "Hagquist"), and claims 12-20 under 35 U.S.C. § 103(a) as being unpatentable over Mayger in view of U.S. Patent No. 6,270,853 (hereinafter referred to as "Brown"), and claim 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,686,108 (hereinafter referred to as "Nason"). In order to establish a prima facie case of obviousness, three criteria must be met: (1) there must be some suggestion or motivation in the prior art to modify the reference or to combine reference teachings as proposed, (2) there must be a reasonable expectation of success, and (3) the prior art or combined references must teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991). "The prior art must suggest the desirability of the claimed invention." MPEP § 2143.01. Both the invention and the prior art references must be considered as a whole. MPEP § 2141.02. Applicant respectfully submits that claims 7-8 and 12-23, as amended, are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

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Claims 1, 12 and 21

Applicant respectfully submits that the cited references, either alone or in combination, do not disclose, teach or suggest implanting the lignocellulosic or MDF substrate with a cocalkylamine that increases the conductivity of the lignocellulosic or MDF substrate without covalently bonding to the lignocellulosic or MDF substrate or chemically reacting with the lignocellulosic or MDF substrate. Accordingly, applicant respectfully submits that claims 1, 12 and 21 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a).

Claims 2-11, 13-20 and 22-23

Applicant respectfully submits that claims 2-11, 13-20 and 22-23 depend from claims 1, 12 and 21, respectively, which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-11, 13-20 and 22-23 are, therefore, allowable under 35 U.S.C. § 103(a).

Conclusion

For the reasons set forth above, applicants respectfully request reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-23, as amended, are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

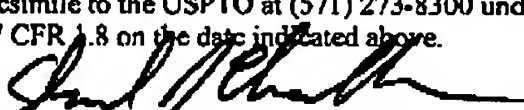
Respectfully submitted,

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I certify that this paper is being transmitted via facsimile to the USPTO at (571) 273-8300 under 37 CFR 1.8 on the date indicated above.

Daniel J. Chalker